

## Town of Franklin



## Planning Board

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TOWN OF FRANKLIN  
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**January 4, 2016  
Meeting Minutes**

Chairman Anthony Padula called the above-captioned meeting to order this date at 7:00 PM. Members in attendance: Joseph Halligan, John Carroll, William David, Gregory Rondeau, Alternate Rick Power. Also present: Bryan Taberner, Director, Planning and Community Development; Michael Maglio, Town Engineer; Matt Crowley, BETA Group, Inc., Amy Love, Program Coordinator.

### **7:00 PM Commencement/General Business**

Chairman Padula announced the meeting would be video and audio recorded for the public's information.

#### **A. Certificate of Completion Form-H: 529 West Central Street – Midas**

*Chairman Padula recused himself.*

Donald Nielsen, Consulting Engineer of Guerriere & Halnon, Inc., and Jeff Stearns, Midas Auto Service, addressed the Planning Board. Mr. Nielsen wanted to introduce Planning Board to the interim Form-H being prepared as they are presently going through site completion. Some outstanding issues need to be resolved, but wanted to bring Planning Board up to date with progress. Hopefully, in two weeks safety issues should be resolved to get facility opened. He is going to have meeting with Gus Brown, Building Commissioner, to discuss the specific safety issues including signage, handicap parking, and lighting. Drainage is in, manholes are now up to grade, and will probably have to put in some temporary berm to control gutter flow. Plan is to finish up sometime in spring when better weather. Here tonight just to give understanding of where we are—not asking for any relief.

Planning Board asked about a Stop Work Order from Conservation Commission.

Mr. Nielsen stated items should be worked out with Conservation Commission.

Michael Maglio stated satisfied with water and sewer.

Matt Crowley stated they reviewed site and a few additional items have been identified. All are in BETA's letter.

Bryan Taberner clarified that applicant is hoping to have completed Form-H submitted to Planning in about two weeks for the meeting on January 25. He asked applicant to go over site plan work completion list of field changes, and if the field changes were preapproved.

Mr. Nielsen explained the field change items listed. He stated they changed the retaining wall to concrete and swales need to be developed to accommodate drainage. The field changes were done when looking at the site. Some of the items are temporary to get through the winter before getting fixed in the spring.

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Mr. Stearns said will open Midas facility as soon as get approval/sign-off.

Mr. Halligan requested field changes be incorporated into the updated plan to be approved all at the same time prior to the Form-H so Town has record. He noted all would have to be done before approved.

Mr. Nielsen said the changes will be on the as-built which can be used as the final plans and will make note of them on the application.

*Chairman Padula reentered the meeting.*

**B. Limited Site Plan – 135 Constitution Boulevard – Cold Chain Technologies**

Larry Gordon, owner/applicant of Cold Chain Technologies and John Raposo, Project Manager of Cutler Associates, Inc., addressed the Planning Board. Applicant is looking to relocate business from Holliston to 135 Constitution Boulevard in Franklin. Permission is being requested to construct two exterior equipment pads next to building for condenser units for the operation of equipment. The largest unit on top of the pad is about 4 feet x 5 feet.

Mr. Maglio stated he did not have any issues with proposal; work to be done is minimal. The decibel rating at 400 feet is approximately 66 decibels.

Mr. Taberner stated applicant applied for a limited site plan as required in bylaw as there were more than 600 sq. ft. of change on the site, even though impacts are small. He noted there are hundreds of feet between applicant's building and nearest residential property with substantial trees between properties buffering any noise. This is a new business moving into a vacant building.

***Motion to Approve Limited Site Plan for 135 Constitution Boulevard – Cold Chain Technologies. Halligan. Second: Carroll. Vote: 5-0-0 (5-Yes; 0-No).***

7:05 PM      **PUBLIC HEARING** – *Continued*  
                  ***South Hill Estates***  
                  Subdivision Modification

*Documents presented to the Planning Board:*

1. Letter dated January 1, 2016 from Phil Paradis, BETA Group, Inc., to Chairman Padula Franklin Planning Board
2. Memorandum dated December 30, 2015 Department of Planning and Community Development to Franklin Planning Board
3. Memorandum dated December 29, 2015 from George Russell, Conservation Agent, to Franklin Planning Board
4. Letter/map dated November 19, 2015 from Susan Fisher to Mr. Bryan Taberner
5. Letter dated December 24, 2015 from Donald Nielsen, Guerriere & Halnon, Inc., to Franklin Planning Board
6. Definitive Subdivision Modification of South Hill Estates in Franklin, Massachusetts with Revision date December 24, 2015, Sheets 1-5, Received by Planning December 28, 2015
7. Memorandum dated October 26, 2015 from G.B. McCarraher, Fire Chief, to Department of Planning and Community Development
8. Letter dated November 10, 2015 from Susan Fisher to Department of Planning and Community Development
9. Memorandum dated October 13, 2015 from Franklin Board of Health to Franklin Planning Board

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10. *Franklin Planning Board Public Hearing Notice Received by Town Clerk October 22, 2015*
11. *Subdivision of Land – Form C - Application for Approval of Modification Plan of South Hill Estates Received by Planning October 5, 2015*
12. *Certificate of Ownership Received by Planning October 5, 2015*
13. *Letter dated October 1, 2015 from Donald Nielsen, Guerriere & Halnon, Inc., to Franklin Planning Board*
14. *Open Space Preservation Development Ruby M. Wyllie Estates, Wrentham, Massachusetts with Revision date January 22, 2015, Sheets 1-7*

Donald Nielsen, Consulting Engineer of Guerriere & Halnon, Inc., representing applicant Wyllie Living Trust addressed the Planning Board. Plan initially approved in 2005 as South Hill Estates. Garnet Drive in this section was not constructed at the time the other project was being developed. Tried to make modification to the site in 2009 to make the road private, among other things, but at the time the prior owners would not sign the applications for the plan changes. Last year, ownership of the right of way was granted to the Wyllie Living Trust. With that they had the ability to build the road. Also in transfer of ownership there were some lots on the easterly side of the right of way that goes out to Wrentham. These lots were approved last year in Wrentham as an Open Space Development. They are similar to the South Hill Estates lots. Proposal requests a number of waivers with primary waiver to make it a private way. In 2005 it was proposed to be public; there is much history about this project. One issue in 2005 was that there could not be any waivers in the subdivision at the time it was approved including modifications to the actual roadway. Current owners, Ruby M. Wyllie Living Trust, would like to make it a private road with no burden to Town. Initially submitted plan with 22 ft. of pavement, Town of Wrentham approved 20 ft. of pavement. Mr. Maglio made recommendation and now raised it to 24 ft. No sidewalks and extending the water within 500 ft. of the proposed houses. Do have drainage adjacent to the road which will be managed by the four land owners; there will be a homeowners' association. Applicant is here to request about 500 ft. of pavement. Town in the last year accepted a portion of Garnet Drive as a public way of about 100 ft. when they closed out all the bonding and releases to prior owners. One of the issues from Mr. Maglio was where to put the snow. Applicant can provide Town with easement to push snow off to side of road. Chances are the Town will not be doing much plowing because Association will have private plowing services in place to maintain the road as it goes forward.

Mr. Maglio stated his main concern is the length of the proposed roadway. The proposed roadway in Franklin will be approximately 500 feet from the intersection of Garnet Drive and Opal Circle to the Town line, and the proposed roadway in Wrentham will be 305 feet long, for a total length of 805 feet long, exceeding the 600 foot maximum roadway length for a cul-de-sac. While the homes will technically be in Wrentham, the road length should be taken into consideration for safety reasons.

Chairman Padula stated his concerns. First, he stated he is not sure where Wrentham was coming from in approving an Open Space Subdivision plan where they have no access except from another Town; not clear how they can do that. Primary job of Planning Board is to make sure everything is in the public interest and for public safety. Responsibility of Planning Board is to their Town. In addition, he looked at list of waivers and they all state that this is in the public interest. He stated this is in no way in the public interest especially for the people who live in Franklin and live in that subdivision. Also, when this subdivision came before the Planning Board it was a 37 lot subdivision. Garnet Road was not spoken about to have houses on it. It was a detention basin at the time. There are still about 400 feet of this road not accepted by the Town. It would have to go before Town Council to tie into Town water. Questions include where do the tax dollars go for this four lot subdivision approved in Wrentham, how do the children go to school, and what about residents that bought into the original subdivision as they did not know it would be attached to another subdivision from another town. He would never vote for this situation or scenario, and would never vote to approve this roadway or any waivers.

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Mr. Crowley stated this is BETA Group's second review. The majority of comments were addressed. Several outstanding items including stormwater calculations, deferred to Fire Chief regarding location of fire hydrant, wanted applicant to provide visual screening of retention pond, and if waiver was going to be granted for no sidewalks, money saved from that would be used somewhere else in Town.

Mr. Taberner stated he knew Fire Chief was concerned about the length of the road. Updated proposal received one week ago. Want to make sure Fire Chief and others have time to comment on this before any votes. Applicant would need to go to Conservation Commission. Must be aware that dealing with another community as the houses will be going into the other community. Benefits go to other community, impacts go to this community.

Chairman Padula stated if Planning Board votes for this, it puts Town in position of having to provide public safety for those four homes in the subdivision which is in another town.

Graham Morgan, 35 Opal Circle, South Hill Estates, stated he agreed with all statements made by Chairman Padula. He is very concerned that fire officials paid by Franklin will have to take care of these homes with taxes going to Town of Wrentham. Also, there are the issues of picking up children for school such as where do they get the bus and how far do they have to walk. Also, the wetlands must be taken into consideration as conservation is an important issue and applicants must go to Conservation Commission.

Allen Sawyer, 53 Opal Circle, stated residents were never told about this connecting development when originally bought home in South Hill Estates. Many residents went to the meetings in Wrentham when this was being planned and when this was approved it was a split decision—not unanimous. Residents had asked for sidewalks, streetlights, and for road to be widened as very concerned about emergency vehicles. Wrentham told the residents that it was not Wrentham's issue; it had to be taken up with Town of Franklin. That is why so many people are here at this meeting tonight. The benefits for our community are none, but fire, police, and ambulance will be the Town of Franklin's responsibility as this is the only access to those four new homes.

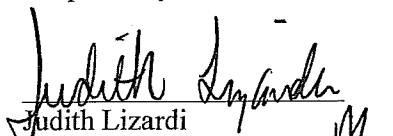
Dan Alda, stated his father would be the primary purchaser if this were approved. He stated they are a close-knit family looking to develop the land for houses for themselves. His father and sister both have MS and want to be close to each other in times of need. The road would only be used by them to get to their houses. He thanked all for their consideration.

Mr. Nielsen stated they will go to the January 28, 2016, Conservation Commission meeting.

***Motion to Continue the Public Hearing for South Hill Estates, Subdivision Modification to February 8, 2016 at 7:15 PM. Carroll. Second: David. Vote: 5-0-0 (5-Yes; 0-No).***

***Motion made to adjourn. Carroll. Second: David. Vote: 5-0-0. Meeting adjourned at 7:38 PM.***

Respectfully submitted,

  
Judith Lizardi  
Recording Secretary 